



#3

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled CONTROLLING GENE EXPRESSION IN LIVING CELLS, the specification of which:

- is attached hereto.  
 was filed on April 2, 2001 as Application Serial No. 09/824,358 and was amended on \_\_\_\_\_  
 was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_  
 and as amended under PCT Article 19 on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No.	Filing Date	Status
09/169,446	October 8, 1998	Abandoned

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Country	Application No.	Filing Date	Priority Claimed
PCT	WO 99/23489	October 8, 1999	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

J. Peter Fasse, Reg. 32,983  
 John F. Hayden, Reg. 37,640  
 Y. Rocky Tsao, Reg. 34,053  
 Eric Prahl, Reg. 32,590

Timothy A. French, Reg. No. 30,175  
 Janis K. Fraser, Reg. 34,819  
 Frank R. Occhiuti, Reg. 35,306

Attorney's Docket No.: 07917-083002  
Client's Ref. No.: UMMC 99-10

### Combined Declaration and Power of Attorney

Page 2 of 2 Pages

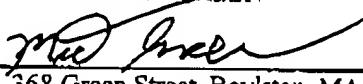
Address all telephone calls to J. PETER FASSE at telephone number (617) 542-5070.

Address all correspondence to J. PETER FASSE at:

FISH & RICHARDSON P.C.  
225 Franklin Street  
Boston, MA 02110-2804

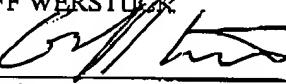
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: MICHAEL R. GREEN

Inventor's Signature:   
Residence Address: 368 Green Street, Boylston, MA 01505  
Citizenship: United States of America  
Post Office Address: 368 Green Street, Boylston, MA 01505

Date: 6/22/01

Full Name of Inventor: GEOFF WERSTICK

Inventor's Signature:   
Residence Address: 18 Garden Avenue, Ancaster, Ontario, CANADA L9G2J5  
Citizenship: United States of America Canada  
Post Office Address: 18 Garden Avenue, Ancaster, Ontario, CANADA L9G2J5

Date: June 28 /01

20271059.doc